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10/829,585	04/22/2004	Alan Thomas Schachtely	136239	6713

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EXAMINER

GAMI, TEJAL

ART UNIT	PAPER NUMBER
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2121

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/829,585

Applicant(s)

SCHACHTELY ET AL.

Examiner

Tejal J. Gami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 22 April 2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **inputs 286 and outputs 288** as described in the specification. Also, reference number 218 appears to be a typographical error on Figure 3 and should read **318** to correspond with specification paragraph [0033]. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims read as though the third party supplied data alone can perform the test and output.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 recites the limitation "enterprise" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 recites the limitation "enterprise" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 22 recites the limitation "enterprise" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

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8. Claim 35 recites the limitation "enterprise" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 36 recites the limitation "enterprise" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-42 are rejected under 35 U.S.C. 101 because the claims as written do not require a practical application. For example, the claims merely display or monitor a tested generated rule and are therefore mathematical results without practical application. And thus does not impart any functionality. A claim is directed to a practical application when there is either a physical transformation or when a useful, concrete, and tangible result is produced. The claimed invention lacks patentable utility. It fails to use or make available for use the result of determination to enable its functionality and usefulness to be realized. Furthermore, the claims are not directed towards a tangible result, instead reasonably being interpreted as just a thought or a computation within a processor. The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus, or must operate to change articles or materials to a different state. To be tangible the claim must recite

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more than a 35 U.S.C. 101 judicial exception, in that the process claim must set forth a practical application of that 35 U.S.C. 101 judicial exception to produce a real-world result.

Claims 1-42 are also rejected under 35 U.S.C. 101 because it appears that generating and testing a rule would reasonably be interpreted by one of ordinary skill in the art as software, per se. And therefore not directed towards a statutory subject matter for this reason as well.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Bahrs et al. (U.S. Patent Number 6,654,932).

As to independent claim 1, Bahrs discloses a computer-implemented method of managing a machinery monitoring system (see Col. 12, Lines 5-16), said method comprising:

relating an asset output to at least one asset input (see Col. 36, Lines 53-63);

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generating at least one rule (e.g., validation rule) based on the relation (see Col. 21, Lines 34-55; Col. 32, Line 63 to Col. 33, Line 15; and Col. 36, Lines 53-63);

selecting at least one of live asset data, historical asset data, user-supplied asset data, and third party supplied asset data to test the at least one rule (e.g., validation rule) (see Col. 32, Line 63 to Col. 33, Line 15; and Col. 67, Lines 33-37);

testing the at least one rule (e.g., validation rule) incrementally using the selected asset data (see Col. 21, Lines 34-55; and Col. 67, Lines 33-37); and

monitoring the output of the at least one rule (e.g., validation rule) at each increment (see Col. 21, Lines 34-55; and Col. 67, Lines 26-37).

As to independent claim 15, Bahrs discloses a computer-implemented machinery monitoring system for a plant (see Col. 12, Lines 5-16), said system comprising:

a client system comprising a user interface (see Col. 14, Lines 3-19);

a database for storing Rule Sets (see Col. 1, Lines 17-27 and Col. 31, Lines 49-53), wherein the Rule Sets include at least one rule expressed as a relational expression of a real-time data output relative to a real-time data input, wherein the relational expression is specific to a plant asset (see Col. 31, Lines 1-16 and Col. 36, Lines 53-63); and

a processor programmed to control said machinery monitoring system to (see Col. 12, Lines 17-44), said processor programmed to:

prompt a user for a security control password (see Col. 62, Lines 21-55);

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generate a plant asset operational rule (e.g., validation rule) from an application expert (see Col. 21, Lines 34-55; Col. 32, Line 63 to Col. 33, Line 15; and Col. 36, Lines 53-63);

test said rule (e.g., validation rule) based on at least one of live asset data, historical asset data, user-supplied asset data, and third party supplied data (see Col. 21, Lines 34-55; and Col. 67, Lines 33-37); and

display incremental results of said test (see Col. 21, Lines 34-55; and Col. 67, Lines 26-37).

As to independent claim 29, Bahrs discloses a computer program embodied on a computer readable medium for managing a machinery monitoring system (see Col. 12, Lines 5-16) using a server system coupled to a client system and a database (see Col. 12, Lines 17-44), said client system including a user interface (see Col. 14, Lines 3-19), said program comprising a code segment that prompts a user for a security control password (see Col. 62, Lines 21-55) and then:

generates a plant asset operational rule (e.g., validation rule) from an application expert (see Col. 21, Lines 34-55; Col. 32, Line 63 to Col. 33, Line 15; and Col. 36, Lines 53-63);

tests said rule (e.g., validation rule) based on at least one of live asset data, historical asset data, user-supplied asset data, and third party supplied data (see Col. 21, Lines 34-55; and Col. 67, Lines 33-37); and

displays incremental results of said test (see Col. 21, Lines 34-55; and Col. 67, Lines 26-37).

As to dependent claim 2, Bahrs teaches a method in accordance with claim 1 further comprising bundling the at least one rule into a Rule Set that includes a Rule Set encryption code (see Col. 28, Lines 17-24 and Col. 31, Lines 7-16).

As to dependent claim 3, Bahrs teaches a method in accordance with claim 2 wherein bundling the at least one rule into a Rule Set comprises bundling a plurality of rules into an XML file (see Col. 64, Line 60 to Col. 65, Line 4).

As to dependent claim 4, Bahrs teaches a method in accordance with claim 2 wherein bundling the at least one rule into a Rule Set comprising bundling at least one of a rule documentation page and a Rule Set documentation page into the Rule Set (see Col. 65, Line 66 to Col. 66, Line 15).

As to dependent claim 5, Bahrs teaches a method in accordance with claim 1 further comprising:

transmitting the Rule Set (e.g., validation rules) to the machinery monitoring system (see Col. 21, Lines 34-56);

decrypting (e.g., translation) the Rule Set encryption (see Col. 28, Lines 17-24);
and

importing the Rule Set into the monitoring system (see Col. 28, Lines 24-42).

As to dependent claim 6, Bahrs teaches a method in accordance with claim 5 wherein importing the Rule Set (see Col. 28, Lines 24-42) comprises:

locating Rule Set files (see Col. 28, Lines 4-16);

prompting a user for an encryption key (see Col. 31, Lines 7-16); and

interpreting the Rule Set file (see Col. 28, Lines 17-23).

As to dependent claim 7, Bahrs teaches a method in accordance with claim 6 further comprising:

entering Rule Set information into the enterprise database refreshing a list of Rule Sets based on the Rule Set information (see Col. 65, Lines 5-24).

As to dependent claim 8, Bahrs teaches a method in accordance with claim 5 wherein importing the Rule Set (see Col. 28, Lines 24-42) comprises:

checking the enterprise for an existing copy of the imported Rule Set (see Col. 31, Lines 28-31); and

selectively updating any of the existing Rule Sets if the imported Rule Set is a different version than the existing Rule Set (see Col. 48, Line 58 to Col. 49, Line 8); and

updating assets using the imported Rule Set (see Col. 48, Line 58 to Col. 49, Line 8).

As to dependent claim 9, Bahrs teaches a method in accordance with claim 5 further comprising substantially preventing importing the Rule Set into the monitoring system unless an authorized encryption key is used (see Col. 31, Lines 7-16).

As to dependent claim 10, Bahrs teaches a method in accordance with claim 1 wherein relating an asset output to at least one input comprises relating a measurable machine asset output to at least one input (see Col. 36, Lines 53-63).

As to dependent claim 11, Bahrs teaches a method in accordance with claim 1 wherein relating an asset output to at least one input comprises relating a measurable machine asset output to at least one input wherein the at least one input is indicative of a machine asset anomalous behavior (see Col. 31, Lines 7-16).

As to dependent claim 12, Bahrs teaches a method in accordance with claim 1 wherein generating at least one rule comprises resolving the operands for the at least one rule (see Col. 21, Lines 34-55; Col. 32, Line 63 to Col. 33, Line 15; and Col. 36, Lines 53-63).

As to dependent claim 13, Bahrs teaches a method in accordance with claim 1 wherein generating at least one rule comprises documenting the rule logic for the at least one rule (see Col. 65, Line 66 to Col. 66, Line 15).

As to dependent claim 14, Bahrs teaches a method in accordance with claim 1 wherein relating an asset output to at least one input comprises prompting the user to enter a security control password (see Col. 31, Lines 7-16).

As to dependent claim 16, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to bundle the at least one rule into a Rule Set that includes a Rule Set encryption code (see Col. 28, Lines 17-24 and Col. 31, Lines 7-16).

As to dependent claim 17, Bahrs teaches a system in accordance with claim 16 wherein said processor is further programmed to bundle a plurality of rules into an XML file (see Col. 64, Line 60 to Col. 65, Line 4).

As to dependent claim 18, Bahrs teaches a system in accordance with claim 16 wherein said processor is further programmed to bundle at least one of a rule documentation page and a Rule Set documentation page into said Rule Set (see Col. 65, Line 66 to Col. 66, Line 15).

As to dependent claim 19, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to:

transmit said Rule Set (e.g., validation rules) to said at least one machinery monitoring system (see Col. 21, Lines 34-56);

decrypt (e.g., translation) said Rule Set encryption (see Col. 28, Lines 17-24);
and

import said Rule Set into said at least one monitoring system (see Col. 28, Lines 24-42).

As to dependent claim 20, Bahrs teaches a system in accordance with claim 19 wherein said processor is further programmed to:

locate Rule Set files (see Col. 28, Lines 4-16);

prompt a user for an encryption key (see Col. 31, Lines 7-16); and

interpret said Rule Set file (see Col. 28, Lines 17-23).

As to dependent claim 21, Bahrs teaches a system in accordance with claim 20 wherein said processor is further programmed to:

enter Rule Set information into said database (see Col. 65, Lines 5-24); and

refresh a list of Rule Sets based on said Rule Set information (see Col. 65, Lines 5-24).

As to dependent claim 22, Bahrs teaches a system in accordance with claim 19 wherein said processor is further programmed to:

check said enterprise for an existing copy of said imported Rule Set (see Col. 31, Lines 28-31); and

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selectively update any of said existing Rule Sets if said imported Rule Set is a different version than said existing Rule Set (see Col. 48, Line 58 to Col. 49, Line 8); and

update assets using said imported Rule Set (see Col. 48, Line 58 to Col. 49, Line 8).

As to dependent claim 23, Bahrs teaches a system in accordance with claim 19 wherein said processor is further programmed to substantially prevent importing said Rule Set into said at least one monitoring system unless an authorized encryption key is used (see Col. 31, Lines 7-16).

As to dependent claim 24, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to relate a measurable machine asset output to at least one input (see Col. 36, Lines 53-63).

As to dependent claim 25, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to relate a measurable machine asset output to at least one input that is indicative of a machine asset anomalous behavior (see Col. 31, Lines 7-16).

As to dependent claim 26, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to resolve the operands for the at least one rule (see Col. 21, Lines 34-55; Col. 32, Line 63 to Col. 33, Line 15; and Col. 36, Lines 53-63).

As to dependent claim 27, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to receive, from a user, documentation of the rule logic for said at least one rule (see Col. 65, Line 66 to Col. 66, Line 15).

As to dependent claim 28, Bahrs teaches a system in accordance with claim 15 wherein said processor is further programmed to prompt the user to enter a security control password (see Col. 31, Lines 7-16).

As to dependent claim 30, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that bundles said at least one rule into a Rule Set that includes a Rule Set encryption code (see Col. 28, Lines 17-24 and Col. 31, Lines 7-16).

As to dependent claim 31, Bahrs teaches a computer program in accordance with claim 30 further comprising a code segment that bundles a plurality of rules into an XML file (see Col. 64, Line 60 to Col. 65, Line 4).

As to dependent claim 32, Bahrs teaches a computer program in accordance with claim 30 further comprising a code segment that bundles at least one of a rule documentation page and a Rule Set documentation page into said Rule Set (see Col. 65, Line 66 to Col. 66, Line 15).

As to dependent claim 33, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that:

transmits said Rule Set (e.g., validation rules) to said at least one machinery monitoring system (see Col. 21, Lines 34-56);

decrypts (e.g., translation) said Rule Set encryption (see Col. 28, Lines 17-24);
and
imports said Rule Set into said at least one monitoring system (see Col. 28, Lines 24-42).

As to dependent claim 34, Bahrs teaches a computer program in accordance with 33 further comprising a code segment that:

locates Rule Set files (see Col. 28, Lines 4-16);
prompts a user for an encryption key (see Col. 31, Lines 7-16); and
interprets said Rule Set file (see Col. 28, Lines 17-23).

As to dependent claim 35, Bahrs teaches a computer program in accordance with claim 34 further comprising a code segment that:

enters Rule Set information into said enterprise database refreshes a list of Rule Sets based on said Rule Set information (see Col. 65, Lines 5-24).

As to dependent claim 36, Bahrs teaches a computer program in accordance with claim 33 further comprising a code segment that:

checks said enterprise database for an existing copy of said imported Rule Set (see Col. 31, Lines 28-31); and

selectively updates any of said existing Rule Sets if said imported Rule Set is a different version than said existing Rule Set (see Col. 48, Line 58 to Col. 49, Line 8);
and

updates assets using said imported Rule Set (see Col. 48, Line 58 to Col. 49, Line 8).

As to dependent claim 37, Bahrs teaches a computer program in accordance with claim 33 further comprising a code segment that substantially prevents importing said Rule Set into said at least one monitoring system unless an authorized encryption key is used (see Col. 31, Lines 7-16).

As to dependent claim 38, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that relates a measurable machine asset output to at least one input (see Col. 36, Lines 53-63).

As to dependent claim 39, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that relates a measurable machine asset output to at least one input wherein said at least one input is indicative of a machine asset anomalous behavior (see Col. 31, Lines 7-16).

As to dependent claim 40, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that resolves the operands for said at least one rule (see Col. 21, Lines 34-55; Col. 32, Line 63 to Col. 33, Line 15; and Col. 36, Lines 53-63).

As to dependent claim 41, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that receives, from a user, documentation of the rule logic for said at least one rule (see Col. 65, Line 66 to Col. 66, Line 15).

As to dependent claim 42, Bahrs teaches a computer program in accordance with claim 29 further comprising a code segment that prompts the user to enter a security control password (see Col. 31, Lines 7-16).

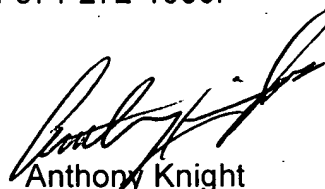
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Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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